

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RONALD STENNIS,

Plaintiff,

v.

Case No. 11-14870
Honorable Denise Page Hood

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

**ORDER ACCEPTING AND ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION AND
DISMISSING THIS ACTION FOR FAILURE TO PROSECUTE**

This matter is before the Court on Magistrate Judge Mark A. Randon's Report and Recommendation [Docket No. 18, filed July 31, 2012]. The Magistrate Judge recommends that this case be dismissed pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute.

Plaintiff filed an objection. For the reasons stated below, the Court ACCEPTS and ADOPTS the Magistrate Judge's report and recommendation and DISMISSES this case for failure to prosecute.

When examining a Magistrate Judge's Report and Recommendation, 28 U.S.C. § 636 governs the standard of review. This Court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.*

Pursuant to the briefing schedule, dispositive motions were due on or before March 26, 2012. The Magistrate Judge granted Plaintiff several extensions, the last requiring a filing by July 25, 2012. In his order, the Magistrate Judge cautioned Plaintiff that no further extensions

would be granted. Plaintiff did not file a motion for summary judgment and the Magistrate Judge filed a recommendation to dismiss for failure to prosecute on July 31, 2012.

Plaintiff filed an objection on August 14, 2012 asking that the Court not dismiss this case “due to unusual and unforeseeable occurrences that prevented the timely filing” [Docket No. 19] and Defendant filed a response to the objection on August 28, 2012 [Docket No. 20]. Plaintiff’s counsel claims that he has had several staffing and technical issues that have prevented the filing of a motion for summary judgment. Plaintiff notes that he would have attached the brief to the objection but could not due to a staff member’s hospitalization. He requests leave to file his motion for summary judgment on or before August 20, 2012. Plaintiff indicates that if the document is completed prior to August 20, 2012, he will file it earlier.

August 20, 2012 has now passed and Plaintiff has yet to file a motion for summary judgment with the Court. The Magistrate Judge gave Plaintiff four extensions. Plaintiff has had over four months to file a motion for summary judgment and has failed to do so. The Court will not grant any further extensions.

Accordingly,

IT IS ORDERED that Magistrate Judge’s Report and Recommendation is **ACCEPTED** and **ADOPTED [Docket No. 18, filed July 31, 2012]** as this Court’s findings.

IT IS FURTHER ORDERED that this case is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

Dated: August 30, 2012

s/Denise Page Hood
United States District Judge

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 30, 2012, by electronic and/or ordinary mail.

s/Sakne Srour for LaShawn R. Saulsberry
Case Manager